

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

DAVID DAVIS,	)	
	)	
Plaintiff,	)	
vs.	)	CIVIL ACTION NO. 3:06cv544-WHA
	)	
PHENIX CITY, ALABAMA, et al.,	)	
	)	
Defendants.	)	

**ORDER**

This cause is before the court on the Plaintiff's Motion for Leave to File an Amended Complaint (Doc. #82).

Although the deadline for amendment of the pleadings has passed, in view of the facts that the Plaintiff, but not the court, viewed the original Complaint as stating a prior restraint claim, and that the Defendants have until December 7, 2007 to conduct discovery and to file a Motion for Summary Judgment, the Motion is due to be GRANTED.

Accordingly, it is hereby ORDERED as follows:

1. The Motion for Leave to File an Amended Complaint (Doc. #82) is GRANTED and the clerk is authorized to file the Plaintiff's Amended Complaint.
2. Pursuant to the Order of the court granting summary judgment on the claim in Count III (Doc. #49), Count III is STRICKEN from the Amended Complaint.
3. The Defendants have until October 1, 2007 to file an Answer to the Amended Complaint, including the defense of qualified immunity as earlier authorized by Order of the court (Doc. #75).

Done this 19th day of September, 2007.

/s/ W. Harold Albritton  
W. HAROLD ALBRITTON  
SENIOR UNITED STATES DISTRICT JUDGE